

### **REMARKS**

Claims 1-21 and 23-25 are pending in this application. By this amendment, claims 1, 9, 10, 17, and 25 are amended. Support for the claim amendments can be found at least on page 26, lines 14-19 of the specification. Claims 1, 9, 10, and 17 are amended to eliminate the alternative language (or). Claim 25 is amended to incorporate allowable subject matter of original claim 21 (as indicated in paper no. 4) in independent form. The specification is amended to correct an obvious typographical error by removing the misplaced word “no” from the paragraph beginning at page 26, line 14: “[t]ypically, the analog IPPV/VOD set top terminal receives the program in a scrambled format such that the cable headend processing requires only the downstream transmission of an authorization code from the cable headend 208 to the set top terminal 220. If the analog IPPV/VOD set top terminal is *not* receiving the program in descrambled format, the network manager 214 prompts the file server 215 to spool the desired program for transmission to the subscriber.” As originally written (with the word “no”), the paragraph makes no sense. Support for the deletion of the word “no” can be found at least on page 15, lines 11-17 of the specification: “[t]he authorization component 236 can receive requests for programs from the set top terminals 220 either by telephone line 244 or upstream data transmissions 246 over the concatenated cable system 210. The authorization component 236 processes the subscriber requests, prompting the file server 215 to spool the program requested by the subscriber. Alternatively, the file server 215 may be instructed to transmit an authorization code to the subscriber to enable descrambling or reception of a specific program by the subscriber’s set top terminal 220.” As clearly shown in the quoted language, if the program is sent in a scrambled format, an authorization code is needed to descramble the program. On the other hand, if the program is received in descrambled format, the file server spools the program for transmission to the subscriber. No new matter is introduced. Reconsideration and prompt allowance of the claims is respectfully requested.

### **35 U.S.C. § 112 Rejections**

Claims 20-21 and 23-25 are rejected under 35 U.S.C. § 112. The Applicants respectfully traverse.

The Examiner asserts on Page 3 of the Office Action that the specification does not support the steps of providing first and second authorization codes. The Examiner asserts that

the specification describes the authorization component spools the requested program or transmit an authorization code for descrambling. The Applicants respectfully disagree.

On page 26, lines 14-19, the specification recites “[t]ypically, the analog IPPV/VOD set top terminal receives the program in a scrambled format such that the cable headend processing requires only the downstream transmission of an authorization code from the cable headend 208 to the set top terminal 220. If the analog IPPV/VOD set top terminal is receiving the program in descrambled format, the network manager 214 prompts the file server 215 to spool the desired program for transmission to the subscriber.” Therefore, the method includes a decision block: if the program is received in a scrambled format, a second authorization code is used to descramble the program (see also page 25, lines 13-19 of the specification); on the other hand, if the program is received in a descrambled format, the program is transmitted to the subscriber.

The first authorization code is sent to file server 215 so that the analog VOD set top terminal 314 can be tuned to a specific preview channel until the requested program is ready to be viewed. (See page 27, lines 1-4.)

The second authorization code is sent to the set top terminal 220 to descramble a program received in a scrambled format. (See page 26, lines 14-19). Thus, the first and second authorization code are used for different purposes, namely, allowing a specific preview channel to be tuned to and descrambling a program received in a scrambled format. Accordingly, the specification supports the use of both the first and second authorization code. Withdrawal of the rejection under 35 U.S.C. §112 is respectfully requested.

### **35 U.S.C. § 103 Rejections**

Claims 1-19 are rejected under 35 U.S.C. §103 (a) as being unpatentable over U.S. Patent No. 5,631,693 to Wunderlich et al. (hereinafter “Wunderlich”) and U.S. Patent No. 5,818,511 to Farry et al. (hereinafter “Farry”). The Applicants respectfully traverse.

Wunderlich is directed to a method and apparatus for providing on demand services in a subscriber system. Farry is directed to a digital switching network that accommodates a full range of broadband and narrowband digital technologies. However, Wunderlich and Farry, individually and in combination, do not disclose or suggest “a file server ... capable of receiving said first authorization code and a second authorization code, wherein when the requested program is scrambled, the second authorization code descrambles said scrambled requested

program” as recited in amended claim 1. Since neither Wunderlich nor Farry disclose or suggest all of the elements of amended claim 1, claim 1 is allowable over Wunderlich and Farr.

Claims 2-8 are allowable because they depend from allowable claim 1 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 1-8 under 35 U.S.C. §103 (a).

With respect to claim 9, Wunderlich and Farry, individually and in combination, do not disclose or suggest “a file server ... capable of receiving said first authorization code and a second authorization code, wherein when the requested program is scrambled, the second authorization code descrambles said scrambled requested program” as recited in amended claim 9. Accordingly, claim 9 is allowable over Wunderlich and Farr. Applicants therefore respectfully request withdrawal of the rejection of claim 9 under 35 U.S.C. §103 (a).

With respect to claim 10, Wunderlich and Farry, individually and in combination, do not disclose or suggest “a file server ... capable of receiving a first authorization code to enable set top terminals to receive a requested program and a second authorization code, wherein when the requested program is scrambled, the second authorization code descrambles said scrambled requested program” as recited in amended claim 10. Accordingly, claim 10 is allowable over Wunderlich and Farr.

Claims 11-16 are allowable because they depend from allowable claim 10 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 10-16 under 35 U.S.C. §103 (a).

With respect to claim 17, Wunderlich and Farry, individually and in combination, do not disclose or suggest “a file server ... capable of receiving a first authorization code to enable the set top terminals to receive a requested program and a second authorization code, wherein when the requested program is scrambled, the second authorization code descrambles said scrambled requested program” as recited in amended claim 17. Accordingly, claim 17 is allowable over Wunderlich and Farr.

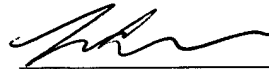
Claims 18-19 are allowable because they depend from allowable claim 17 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 17-19 under 35 U.S.C. §103 (a).

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully Submitted,

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